

### **REMARKS**

Claims 1-25 stand rejected. Claims 1-8, 10-21, and 23-35 have been amended. Claim 26 has been added. The original title in a slightly rephrased form has been placed on page 60 in a paragraph beginning on line 19. No new subject matter has been added.

#### **Claim Amendments**

Amendments to the claims are supported, for example, by ¶[0081] of the application as published and FIGS. 1 and 5 of the application. The addition of the word “content” to “corresponding information” (to form “corresponding content information”) is for clarity and is supported by at least Fig. 1 and associated text on p. 33 of the application as filed, depicting a corresponding information database 31b located on a content server 3, thus making the corresponding information also content information. The addition of claim 26 is supported at least by p. 23, lines 13-14 (“...the music data (RF signal) as the program information that is read”).

#### **Information Disclosure Statement**

A concise explanation of the patents, included in the information disclosure statement filed on 20 April, 2006, is being arranged in the English language and will be submitted to the USPTO as soon as it becomes available.

#### **Specification**

The Title of the application has been amended to address Examiner’s observations. The original title has been placed on page 60 in a paragraph beginning on line 19. Paragraph [0115] of the application as published has been amended to address a typographical error.

#### **Claim Rejections under 35 U.S.C. § 112**

Claims 1-25 have been rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Applicants traverse the rejections for the reasons discussed below.

Applicants have amended the claims to clarify the subject matter. Referring to Examiner's comments in section 6, page 2, of the Office Action, the claims have been amended to more clearly recite the claim elements. Applicants submit that language such as information recording apparatus and ID information acquisition device are clear English expressions understandable by those skilled in the art, especially in light of the disclosure. It is hoped that by the amendments now made to the claims the Examiner feels more comfortable with the language.

Illustrative locations in the specification of various claimed features, asserted by the Examiner to be undefined in section 6, page 3, of the Action, are as follows:

Information providing apparatus: Service server 2 and content server 3 shown in FIG. 1 and described in ¶[0067] of the application as published.

Information recording apparatus: Automobile-AV apparatus 1 as shown in FIGS. 1 and 5 and described in ¶[0146], as well as ¶[0081] and ¶[0087], of the application as published.

ID information acquisition device: Paragraphs [0081], [0082], [0089], [0120], and [0154] of the application as published and reference characters 16 and 17 of FIG. 1.

Protection-information-recognition device: Paragraphs [0188] and [0189] of the application as published and reference character 17 of FIG. 1.

ID-information-sending device: Paragraphs [0081] and [0084] of the application as published and reference character 16 of FIG. 1.

Corresponding-information-receiving device: Reference characters 23 and 33 of FIG. 1 and p. 32 of the specification as filed.

Information-recording device: Reference characters 12a and 17 of FIG. 1.

ID-information-receiving device: Paragraphs [0081], [0099], [0101], and [0102] of the application as published and reference characters 23 and 24 of FIG. 1.

Corresponding-content information-acquisition device: Reference characters 23 and 24 of FIG. 1.

Corresponding-content information-sending device: Reference characters 23 and 24 of FIG. 1 as well as paragraphs [0101] and [0102].

In some cases, the term “acquisition device” is used in the specification while the term “receiver” is used in the claims. It is understood in the art of data systems that these terms are interchangeable.

In order to avoid confusion, the term “program information” has been replaced by “media data”. This is supported by the example of music data being a form of “program information.” (see p. 23, lines 13-14, of the application as filed).

Claim 1 is amended to read:

*“A system having an information-recording apparatus comprising:*

*a protection-information-recognition device adapted to recognize whether a first recording medium has protection information used for protecting copyright by restricting recording of media data from said first recording medium onto a second recording medium;*

*an ID-information-sending device adapted to send ID-information corresponding to said media data to an information-providing apparatus via a network;*

*a corresponding-information-receiving device adapted to receive corresponding content information, wherein said corresponding content information is related to said media data and is sent from said information-providing apparatus with respect to the ID information; and wherein said system is adapted to record at least a portion of said media data onto said second recording medium upon receipt of said corresponding content information related to said media data.”*

The Applicant submits that the above claim contains terms that are understandable in light of the specification, is free of grammatical error, and the relationship between the elements is clarified.

In view of these amendments and description of elements, the Examiner is requested to withdraw the rejection because the gap between the elements has been closed and the locations of the elements in the specification, cited by the Examiner as undefined, have been defined.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-25 have been rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 7,213,266 to Maher (hereinafter "Maher"). Applicants respectfully traverse the rejection.

Maher discloses systems and methods for managing electronic content, and for enabling content owners, regulators, and others to create flexible controls for content and applications and to manage their level of risk. Applications, content, and/or users can be given credentials by one or more credentialing authorities upon satisfaction of a set of requirements. Rights management software/hardware is used to attach and detect these credentials, and to enforce rules that indicate how content and applications may be used if certain credentials are present or absent. In one embodiment an application may condition access to a piece of electronic content upon the content's possession of a credential from a first entity, while the content may condition access upon the application's possession of a credential from a second entity and/or the user's possession of a credential from a third entity. Use of credentials in this manner enables a wide variety of relatively complex and flexible control arrangements to be put in place and enforced with relatively simple rights management technology. (Maher Abstract).

Maher does not suggest, teach, or disclose, *inter alia*, "a protection-information-recognition device adapted to recognize whether a first recording medium has protection information used for protecting copyright by restricting recording of program information from said first recording medium onto a second recording medium," as specifically recited in claim 1.

Applicants respectfully submit that the Examiner has rejected all of the claims without citing features of claims with respect to specific text or passages of Maher. The Examiner has cited large blocks of text from Maher without pointing with any specificity as to what element(s) of claim(s) is(are) supposedly anticipated by what elements of the disclosure of Maher. Applicants respectfully request the Examiner to comply with 37 C.F.R. § 1.104(c)(2) and “designate as nearly as practicable” in Maher the features recited in Applicants’ claims. Otherwise, the rejections should be withdrawn.

Based on the passages cited by the Examiner, Maher is limited to checking credentials and handling digital rights management issues of the application before letting an application operate as evidenced by the following passages of Maher:

Thus, when the credential 105 of an authority 102 is securely associated with an application 107--and content 114 is associated with a rule requiring credential 105 to be present as a condition of granting application 107 access to the content--application users 108 and content providers 101 can be confident, within the security bounds of the certification process and/or the credential, that the application will operate in accordance with the credential authority's requirements and specifications. (Column 4, lines 28-36, of Maher).

For example, the digital rights management system may examine a predefined portion of the application, or may simply send the application a request for the credential. If the credential is verified, the digital rights management system releases the content for the requested use (336); otherwise, the request is denied (334). (Column 6, lines 33-39, of Maher).

Maher does disclose in FIG. 9 a computer system for practicing the embodiments of Maher, but FIG. 9 of Maher does not teach, suggest, or disclose, for example, “a *protection-information-recognition device adapted to recognize whether a first recording medium has protection information used for protecting copyright by restricting recording of program information from said first recording medium onto a second recording medium*” (emphasis added) because Maher is silent on the above-mentioned feature.

In section 9, page 3, of the Office Action, the Examiner asserts that “Maher is drawn to a method and system,” citing Maher Abstract, “of managing copyrighted media content,” citing Maher column 1, line 1 – column 3, line 45. Applicants respectfully submit that the Examiner has not indicated which claim(s) are being referred to for comparison with Maher and the Examiner is requested to “designate as nearly as practicable” in Maher the features recited in Applicants’ claims. On the other hand, Applicants claim systems and method albeit with additional features which have not been “designated as nearly as practicable” by the Examiner.

Next, the examiner states “on an information-recording apparatus” is anticipated by #108 of FIGS. 1 and 9 of Maher. However, FIG. 1, as well as column 3, line 59, of Maher, show #108 as a User. FIG. 9 of Maher merely shows a computer system to practice embodiments of Maher. However, Applicants submit that the information-recording apparatus has been recited, for example, in claim 1 and other claims having additional functionality, such as

*“a protection-information-recognition device adapted to recognize whether a first recording medium has protection information used for protecting copyright by restricting recording of program information from said first recording medium onto a second recording medium; ...”*

and the passage cited by the Examiner does not teach, suggest, or disclose an information-recording apparatus having such claimed features.

Next, the Examiner states “in communication with an information-providing apparatus” is anticipated by FIG. 1, ##106 and 112 of Maher, and “the client sends copyright and user ID information to the server” is anticipated by column 3, line 45 – column 4, line 25, of Maher. However, Applicants submit that the information-providing apparatus (see e.g. p. 22 of the specification as filed) in the currently amended claim 1, for example, has been recited as

*“...an ID-information-sending device adapted to send ID-information corresponding to said program information to an information-providing apparatus via a network; a corresponding-information-receiving device adapted to receive corresponding content information related to said program information and sent from said information-providing apparatus with respect to the ID information,...”*

and is not taught, suggested, or disclosed by the cited passage of Maher.

Accordingly, Applicants’ claim 1 is patentably distinct and unanticipated by Maher. The Examiner is, therefore, requested to allow claim 1.

Later in section 9, the Examiner states “Upon authentication, the application server will also send to the client trial information” as being anticipated by column 7, line 25 – column 8, line 15 of Maher. However, Applicants respectfully submit that the foregoing passage of Maher does not disclose, teach, or suggest “*trial information*.” Further in section 9, page 4, the Examiner states “Cost information may also be taken into account” is anticipated by column 10, line 30 – column 12, line 50 of Maher. However, Applicants respectfully submit that the foregoing passage of Maher merely discloses “Pharmacists 706 fill the prescriptions and provide the prescribed medication to patients 708. Patients 708 and/or their insurers are then billed for the medication” in column 12, lines 46-49, of Maher, which may be termed as related to billing. However, Applicants’ claims reciting cost are dependent claims 5-8, 15, 16, 20, and 21 reciting cost information in a context and manner unanticipated by Maher.

As discussed below, in addition to the discussion related to claim 1 above, the independent claims the above claims 5-8, 15, 16, 20, and 21 depend from are in condition of allowance rendering claims 5-8, 15, 16, 20, and 21 to be patentable over Maher at least for the stated reasons.

Maher does not disclose features of independent claim 12, for the same reasons claim 1 is not anticipated by Maher. Therefore, claim 12 is in condition of allowance.

Maher does not disclose features of independent claim 17, because Maher is silent on “*an ID-information-receiving device that receives ID information that corresponds to a program information recorded on a recording medium and that is sent from said information-recording apparatus via said network,*” (emphasis added) recited in claim 17. Therefore, claim 17 is in condition of allowance.

Maher does not disclose features of independent claim 25, because Maher is silent at least regarding “*a protection-information-recognition device adapted to recognize whether a first recording medium has protection information used for protecting copyright by restricting recording of program information from said first recording medium onto a second recording medium,*” recited in claim 25. Therefore, claim 25 is in condition of allowance.

Applicants submit that claims depending from claims 1, 12 and 17, directly or indirectly, are also in condition of allowance at least for the reasons cited above. The Examiner is requested to allow such dependent claims, *i.e.*, claims 2-11, 13-16, and 18-24.

Applicants believe that newly-added claim 26 is in condition of allowance and request the Examiner to allow the same.

Applicants submit that the claims pending in the application are unobvious in view of the gaps in the teachings of Maher as regards the elements recited in Applicants' claims.



**Conclusion**

In view of the above, reconsideration and allowance of all of the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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Respectfully submitted,

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Lucy Derby  
(Name of Person Transmitting)

  
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Date

  
Brian J. Cash  
Attorney for Applicant  
Reg. No. 60,546  
LADAS & PARRY  
5670 Wilshire Blvd., Suite 2100  
Los Angeles, CA 90036  
(323) 934-2300 voice  
(323) 934-0202 fax  
bcash@la.ladas.com

Enclosures: